

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE HERLEY INDUSTRIES, INC.

SECURITIES LITIGATION

CIVIL ACTION

NO. 06-2596 (JRS)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Herley Industries, Inc., Lee Blatt, Myron Levy, Anello Garefino, Thomas Gilboy, and John Kelley, by and through their undersigned attorneys, hereby move pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment in their favor. The Defendants are entitled to summary judgment based upon the undisputed factual record, which demonstrates that Plaintiffs cannot prove a violation of Sections 10(b) or 20(a) of the Securities and Exchange Act of 1934. In support of this motion, Defendants submit the attached memorandum of law and exhibits thereto.

BLANK ROME LLP

/s/ James T. Smith
JAMES T. SMITH
EVAN H. LECHTMAN
NAKUL KRISHNAKUMAR
One Logan Square
Philadelphia, PA 19103
Tel: (215) 569-5643
Fax: (215) 832-5643
Attorneys for Defendants

October 30, 2009